

**United States Court of Appeals
For the First Circuit**

05-11171
USDC-MA
Young, W

No. 07-2029

JOHN R. HALLUMS, JR.,

Petitioner - Appellant,

v.

LOIS RUSSO,

Respondent - Appellee.

ORDER OF COURT

Entered: September 17, 2007

Pursuant to 1st Cir. R. 27.0(d)

Appellant's Motion to proceed on appeal in forma pauperis ("IFP") along with the financial affidavit and prison trust account statement in forma pauperis is transmitted to the district court for action in the first instance pursuant to Fed. R. App. P. 24(a)(1). Copies of the district court's ruling shall be forwarded to this court. The district court, if it denies the motion, is requested to state its reasons in writing. Fed. R. App. P. 24(a)(2). If appellant is not granted IFP status by the district court, he may file a motion to proceed IFP in this court, provided that he do so in accordance with Fed. R. App. P. 24(a)(5).

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS

BOSTON, MA

By: [Signature] Date: 9/17/07

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: _____
Margaret Carter, Chief Deputy Clerk

[Certified copies: Honorable William G. Young, Sarah A. Thornton, Clerk of Court
for the District Court of Massachusetts]

[cc: Eva M. Badway, Esq., John R. Hallums, Jr., defendant]

07-2029

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2007 AUG -9 P 1:24
FILED IN CLERK'S OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

MOTION TO WAIVE THE FILING FEE(S)

Now comes the Petitioner John Hallums, request that this Honorable Court accept this motion to proceed without prepayment of fee(s). Under 28 U.S.C. § 1915, I declare that I am **Indigent and unable to pay the cost of these proceedings.**

RESPECTFULLY SUBMITTED,

John Hallums
JOHN R. HALLUMS-PRO-SE
ONE ADMINISTRATION RD.
BRIDGEWATER, MA. 02324

DATED: 08-07-07

DISTRICT OF

John Hallums
Plaintiff

v.

Defendant

Lois Russo

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

2007 AUG -9 P 1:25

CASE NUMBER:

08-1171-WGS
FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

John Hallums, declare that I am the (check appropriate box)

☒ petitioner/plaintiff/movant☐ other

I the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC. §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

Are you currently incarcerated?: ☒ Yes ☐ No (If "No" go to Part 2)

If "Yes" state the place of your incarceration M.C.I. O, C, C, C

Are you employed at the institution? NO Do you receive any payment from the institution? NO

Have the institution fill out the Certificate portion of this affidavit and attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

I have been incarcerated (1999) until now.

In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
f. Any other sources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20070802 14:30

Page 17

Commit# : W69281

OLD COLONY CORRECTIONAL CENTER

Name : HALLUMS, JOHN, .

Statement From 20020101

Inst : OLD COLONY CORRECTIONAL CENTER

To 20070802

Block : ORIENTATION UNIT

Cell/Bed : 106/T

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20061004 21:08	PY - Payroll	7456856		OCC	~20060917 To 20060923	\$4.50	\$0.00	\$0.00	\$0.00
20061004 21:08	PY - Payroll	7456857		OCC	~20060917 To 20060923	\$0.00	\$0.00	\$4.50	\$0.00
20061011 21:09	PY - Payroll	7493894		OCC	~20060924 To 20060930	\$4.50	\$0.00	\$0.00	\$0.00
20061011 21:09	PY - Payroll	7493895		OCC	~20060924 To 20060930	\$0.00	\$0.00	\$4.50	\$0.00
20061017 22:30	CN - Canteen	7523728		OCC	~Canteen Date : 20061017	\$0.00	\$29.42	\$0.00	\$0.00
20061018 21:08	PY - Payroll	7529699		OCC	~20061001 To 20061007	\$4.50	\$0.00	\$0.00	\$0.00
20061018 21:08	PY - Payroll	7529700		OCC	~20061001 To 20061007	\$0.00	\$0.00	\$4.50	\$0.00
20061020 12:11	CI - Transfer from Club to Inmate A/c	7546495		OCC	~REFUND 10/16/06-W69281 HALLUMS,JOHN PERSONAL-KCN WASH ACCOUNT - Z5	\$1.72	\$0.00	\$0.00	\$0.00
20061020 12:11	TI - Transfer from Institution	7546496		STH	~Associate Receipt Number is 7546495	\$0.00	\$1.72	\$0.00	\$0.00
20061020 12:11	TI - Transfer from Institution	7546497		OCC	~Associate Receipt Number is 7546495	\$1.72	\$0.00	\$0.00	\$0.00
20061024 22:30	CN - Canteen	7558614		OCC	~Canteen Date : 20061024	\$0.00	\$5.97	\$0.00	\$0.00
20061025 21:13	PY - Payroll	7563747		OCC	~20061008 To 20061014	\$4.50	\$0.00	\$0.00	\$0.00
20061025 21:13	PY - Payroll	7563748		OCC	~20061008 To 20061014	\$0.00	\$0.00	\$4.50	\$0.00
20061101 21:08	PY - Payroll	7598280		OCC	~20061015 To 20061021	\$4.50	\$0.00	\$0.00	\$0.00
20061101 21:08	PY - Payroll	7598281		OCC	~20061015 To 20061021	\$0.00	\$0.00	\$4.50	\$0.00
20061107 22:30	CN - Canteen	7632368		OCC	~Canteen Date : 20061107	\$0.00	\$19.38	\$0.00	\$0.00
20061108 21:06	PY - Payroll	7639326		OCC	~20061022 To 20061028	\$4.50	\$0.00	\$0.00	\$0.00
20061108 21:06	PY - Payroll	7639327		OCC	~20061022 To 20061028	\$0.00	\$0.00	\$4.50	\$0.00
20061109 17:05	IS - Interest	7655487		OCC		\$0.41	\$0.00	\$0.00	\$0.00
20061109 17:05	IS - Interest	7655488		OCC		\$0.00	\$0.00	\$0.90	\$0.00
20061114 22:30	CN - Canteen	7684672		OCC	~Canteen Date : 20061114	\$0.00	\$11.50	\$0.00	\$0.00
20061115 21:07	PY - Payroll	7691875		OCC	~20061029 To 20061104	\$4.50	\$0.00	\$0.00	\$0.00
20061115 21:07	PY - Payroll	7691876		OCC	~20061029 To 20061104	\$0.00	\$0.00	\$4.50	\$0.00
20061115 21:08	PY - Payroll	7692230		OCC	~20061029 To 20061104	\$0.50	\$0.00	\$0.00	\$0.00
20061115 21:08	PY - Payroll	7692231		OCC	~20061029 To 20061104	\$0.00	\$0.00	\$0.50	\$0.00
20061120 22:30	CN - Canteen	7719754		OCC	~Canteen Date : 20061120	\$0.00	\$5.61	\$0.00	\$0.00
20061122 21:07	PY - Payroll	7730576		OCC	~20061105 To 20061111	\$4.50	\$0.00	\$0.00	\$0.00
20061122 21:07	PY - Payroll	7730577		OCC	~20061105 To 20061111	\$0.00	\$0.00	\$4.50	\$0.00
20061128 22:30	CN - Canteen	7753064		OCC	~Canteen Date : 20061128	\$0.00	\$20.05	\$0.00	\$0.00
20061129 21:12	PY - Payroll	7757494		OCC	~20061112 To 20061118	\$4.50	\$0.00	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20070802 14:30

Page : 18

Commit# : W69281

OLD COLONY CORRECTIONAL CENTER

Name : HALLUMS, JOHN, .

Statement From 20020101

Inst : OLD COLONY CORRECTIONAL CENTER

To 20070802

Block : ORIENTATION UNIT

Cell/Bed : 106 /T

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20061129 21:12	PY - Payroll	7757495		OCC	-20061112 To 20061118	\$0.00	\$0.00	\$4.50	\$0.00
20061130 10:06	IC - Transfer from Inmate to Club A/c	7768162		OCC	-OCCC AFRICAN AMERICAN COALITION - Z167-OCCC AFRICAN AMERICAN COALITION - Z167	\$0.00	\$1.00	\$0.00	\$0.00
20061206 21:09	PY - Payroll	7799768		OCC	-20061119 To 20061125	\$4.50	\$0.00	\$0.00	\$0.00
20061206 21:09	PY - Payroll	7799769		OCC	-20061119 To 20061125	\$0.00	\$0.00	\$4.50	\$0.00
20061207 16:34	IS - Interest	7816957		OCC		\$0.23	\$0.00	\$0.00	\$0.00
20061207 16:34	IS - Interest	7816958		OCC		\$0.00	\$0.00	\$0.98	\$0.00
20061212 22:30	CN - Canteen	7852124		OCC	-Canteen Date : 20061212	\$0.00	\$16.40	\$0.00	\$0.00
20061213 21:07	PY - Payroll	7857452		OCC	-20061126 To 20061202	\$4.50	\$0.00	\$0.00	\$0.00
20061213 21:07	PY - Payroll	7857453		OCC	-20061126 To 20061202	\$0.00	\$0.00	\$4.50	\$0.00
20061220 21:05	PY - Payroll	7896368		OCC	-20061203 To 20061209	\$3.00	\$0.00	\$0.00	\$0.00
20061220 21:05	PY - Payroll	7896369		OCC	-20061203 To 20061209	\$0.00	\$0.00	\$3.00	\$0.00
20061220 21:07	PY - Payroll	7896819		OCC	-20061203 To 20061209	\$2.00	\$0.00	\$0.00	\$0.00
20061220 21:07	PY - Payroll	7896820		OCC	-20061203 To 20061209	\$0.00	\$0.00	\$2.00	\$0.00
20061226 22:30	CN - Canteen	7928193		OCC	-Canteen Date : 20061226	\$0.00	\$4.73	\$0.00	\$0.00
20061227 21:11	PY - Payroll	7932647		OCC	-20061210 To 20061216	\$6.00	\$0.00	\$0.00	\$0.00
20061227 21:11	PY - Payroll	7932648		OCC	-20061210 To 20061216	\$0.00	\$0.00	\$6.00	\$0.00
20070103 21:10	PY - Payroll	7968987		OCC	-20061217 To 20061223	\$6.00	\$0.00	\$0.00	\$0.00
20070103 21:11	PY - Payroll	7968988		OCC	-20061217 To 20061223	\$0.00	\$0.00	\$6.00	\$0.00
20070104 16:10	IS - Interest	7986857		OCC		\$0.09	\$0.00	\$0.00	\$0.00
20070104 16:10	IS - Interest	7986858		OCC		\$0.00	\$0.00	\$1.14	\$0.00
20070110 21:11	PY - Payroll	8028007		OCC	-20061224 To 20061230	\$6.00	\$0.00	\$0.00	\$0.00
20070110 21:11	PY - Payroll	8028008		OCC	-20061224 To 20061230	\$0.00	\$0.00	\$6.00	\$0.00
20070117 21:12	PY - Payroll	8062670		OCC	-20061231 To 20070106	\$6.00	\$0.00	\$0.00	\$0.00
20070117 21:12	PY - Payroll	8062671		OCC	-20061231 To 20070106	\$0.00	\$0.00	\$6.00	\$0.00
20070123 22:30	CN - Canteen	8090561		OCC	-Canteen Date : 20070123	\$0.00	\$28.38	\$0.00	\$0.00
20070124 21:07	PY - Payroll	8096535		OCC	-20070107 To 20070113	\$6.00	\$0.00	\$0.00	\$0.00
20070124 21:07	PY - Payroll	8096536		OCC	-20070107 To 20070113	\$0.00	\$0.00	\$6.00	\$0.00
20070130 22:30	CN - Canteen	8125720		OCC	-Canteen Date : 20070130	\$0.00	\$11.32	\$0.00	\$0.00
20070131 21:10	PY - Payroll	8129742		OCC	-20070114 To 20070120	\$6.00	\$0.00	\$0.00	\$0.00
20070131 21:10	PY - Payroll	8129743		OCC	-20070114 To 20070120	\$0.00	\$0.00	\$6.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20070802 14:30

Page : 19

Commit# : W69281

OLD COLONY CORRECTIONAL CENTER

Name : HALLUMS, JOHN, ,

Statement From 20020101

Inst : OLD COLONY CORRECTIONAL CENTER

To 20070802

Block : ORIENTATION UNIT

Cell/Bed : 106 /T

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20070207 21:12	PY - Payroll	8171165		OCC	-20070121 To 20070127	\$5.00	\$0.00	\$0.00	\$0.00
20070207 21:12	PY - Payroll	8171166		OCC	-20070121 To 20070127	\$0.00	\$0.00	\$5.00	\$0.00
20070212 16:01	IS - Interest	8201179		OCC		\$0.13	\$0.00	\$0.00	\$0.00
20070212 16:01	IS - Interest	8201180		OCC		\$0.00	\$0.00	\$1.29	\$0.00
20070214 21:07	PY - Payroll	8227427		OCC	-20070128 To 20070203	\$6.00	\$0.00	\$0.00	\$0.00
20070214 21:07	PY - Payroll	8227428		OCC	-20070128 To 20070203	\$0.00	\$0.00	\$6.00	\$0.00
20070221 21:10	PY - Payroll	8260485		OCC	-20070204 To 20070210	\$6.00	\$0.00	\$0.00	\$0.00
20070221 21:10	PY - Payroll	8260486		OCC	-20070204 To 20070210	\$0.00	\$0.00	\$6.00	\$0.00
20070227 22:30	CN - Canteen	8291719		OCC	-Canteen Date : 20070227	\$0.00	\$23.08	\$0.00	\$0.00
20070228 21:14	PY - Payroll	8295639		OCC	-20070211 To 20070217	\$6.00	\$0.00	\$0.00	\$0.00
20070228 21:14	PY - Payroll	8295640		OCC	-20070211 To 20070217	\$0.00	\$0.00	\$6.00	\$0.00
20070307 21:11	PY - Payroll	8338094		OCC	-20070218 To 20070224	\$6.00	\$0.00	\$0.00	\$0.00
20070307 21:11	PY - Payroll	8338095		OCC	-20070218 To 20070224	\$0.00	\$0.00	\$6.00	\$0.00
20070314 16:41	IS - Interest	8380280		OCC		\$0.07	\$0.00	\$0.00	\$0.00
20070314 16:41	IS - Interest	8380281		OCC		\$0.00	\$0.00	\$1.32	\$0.00
20070327 22:30	CN - Canteen	8458728		OCC	-Canteen Date : 20070327	\$0.00	\$12.44	\$0.00	\$0.00
20070419 15:46	IS - Interest	8595280		OCC		\$0.06	\$0.00	\$0.00	\$0.00
20070419 15:46	IS - Interest	8595281		OCC		\$0.00	\$0.00	\$1.62	\$0.00
20070509 15:53	IS - Interest	8711707		OCC		\$0.00	\$0.00	\$0.00	\$0.00
20070509 15:53	IS - Interest	8711708		OCC		\$0.00	\$0.00	\$1.57	\$0.00
20070612 08:41	AT - Account Transfer	8899443		OCC	-W69281 HALLUMS,JOHN PERSONAL	\$37.91	\$0.00	\$0.00	\$37.91
20070614 15:58	IS - Interest	8926182		OCC		\$0.00	\$0.00	\$0.00	\$0.00
20070614 15:58	IS - Interest	8926183		OCC		\$0.00	\$0.00	\$1.04	\$0.00
20070710 22:30	CN - Canteen	9070486		OCC	-Canteen Date : 20070710	\$0.00	\$36.83	\$0.00	\$0.00
20070711 15:54	IS - Interest	9078140		OCC		\$0.08	\$0.00	\$0.00	\$0.00
20070711 15:54	IS - Interest	9078141		OCC		\$0.00	\$0.00	\$0.82	\$0.00
20070717 22:30	CN - Canteen	9124601		OCC	-Canteen Date : 20070717	\$0.00	\$1.16	\$0.00	\$0.00
						\$3,069.23	\$3,068.94	\$593.47	\$371.37

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20070802 14:30

Page : 20

Commit# : W69281

OLD COLONY CORRECTIONAL CENTER

Name : HALLUMS, JOHN, ,

Statement From 20020101

Inst : OLD COLONY CORRECTIONAL CENTER

To 20070802

Block : ORIENTATION UNIT

Cell/Bed : 106 /T

	<u>Personal</u>	<u>Savings</u>
Balance as of ending date :	\$0.29	\$222.10

Current Balances :

<u>Personal</u>	<u>Savings</u>	<u>Freeze</u>	<u>Loan</u>	<u>Restitution</u>	<u>Sentence</u>
\$0.29	\$222.10	\$0.00	\$0.00	\$0.00	\$0.00

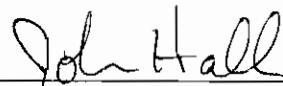
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

(CERTIFICATE OF SERVICE)

I, JOHN HALLUMS, PRO-SE, petitioner hereby certify that on this August day of 07, year 2007, I did indeed serve a copy of the same to the Attorney Generals Office Asst. Eva M.B-adway, One Ashburton Place, Boston, MA. 02108-1698, by first class mail postage prepaid.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

RESPECTFULLY SUBMITTED,



JOHN HALLUMS, PRO-SE
ONE ADMINISTRATION RD.
BRIDGEWATER, MA. 02324

DATED: 08.07.07